

## **APPENDIX 8**

Virginia Coastal Resources Management Program  
Enforceable and Advisory Policies

## Enforceable Policies of Virginia's Coastal Resources Management Program

- *Fisheries Management.* The program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities. This program is administered by the Marine Resources Commission (*Code of Virginia* § 28.2-200 through 28.2-713) and the Department of Game and Inland Fisheries (*Code of Virginia* § 29.1-100 through 29.1-570).
  - The State Tributyltin Regulatory Program has been added to the Fisheries Management program. The General Assembly amended the Virginia Pesticide Use and Application Act as it related to the possession, sale, or use of marine antifoulant paints containing Tributyltin. The use of Tributyltin in boat paint constitutes a serious threat to important marine animal species. The Tributyltin program monitors boating activities and boat painting activities to ensure compliance with Tributyltin regulations promulgated pursuant to the amendment. The Marine Resources Commission, the Department of Game and Inland Fisheries, and Virginia Department of Agriculture Services share enforcement responsibilities (*Code of Virginia* § 3.1-249.59 through 3.1-249.62).
- *Subaqueous Lands Management.* The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the Department of Environmental Quality, Water Division. The program is administered by the Marine Resources Commission (*Code of Virginia* § 28.2-1200 through 28.2-1213).
- *Wetlands Management.* The purpose of the wetlands management program is to preserve tidal wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands preservation.
  - (i) The tidal wetlands program is administered by the Marine Resources Commission (*Code of Virginia* § 28.2-1301 through § 28.2-1320).
  - (ii) The Virginia Water Protection Permit program administered by the Department of Environmental Quality includes protection of wetlands, both tidal and non-tidal. This program is authorized by *Code of Virginia* § 62.1-44.15.5 and the Water Quality Certification requirements of Section 401 of the Clean Water Act of 1972.
- *Dunes Management.* Dune protection is carried out pursuant to the Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or

alteration of primary dunes. This program is administered by the Marine Resources Commission (*Code of Virginia* § 28.2-1400 through 28.2-1420).

- *Non-point Source Pollution Control.* Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. This program is administered by the Department of Conservation and Recreation (*Code of Virginia* § 10.1-560 *et seq.*).
- *Point Source Pollution Control.* The point source program is administered by the State Water Control Board pursuant to *Code of Virginia* § 62.1-44.15. Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System permit program established pursuant to Section 402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System permit program.
- *Shoreline Sanitation.* The purpose of this program is to regulate the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth. This program is administered by the Department of Health (*Code of Virginia* § 32.1-164 through § 32.1-165).
- *Air Pollution Control.* The program implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards. This program is administered by the State Air Pollution Control Board (*Code of Virginia* § 10-1.1300).
- *Coastal Lands Management.* This program is a state-local cooperative program administered by the Department of Conservation and Recreation's Division of Chesapeake Bay Local Assistance and 84 localities in Tidewater, Virginia established pursuant to the Chesapeake Bay Preservation Act; *Code of Virginia* § 10.1-2100 through § 10.1-2114 and Chesapeake Bay Preservation Area Designation and Management Regulations; Virginia Administrative Code 9 VAC 10-20-10 *et seq.*

## **Advisory policies of Virginia's Coastal Resources Management Program**

### ***Advisory Policies for Geographic Areas of Particular Concern***

Although not required for the purposes of consistency, in accordance with 15 CFR § 930.39(c), the federal agency should consider the advisory policies (recommendations) of the Virginia Coastal Resources Management Program as well.

- ***Coastal Natural Resource Areas.*** These areas are vital to estuarine and marine ecosystems and/or are of great importance to areas immediately inland of the shoreline. Such areas receive special attention from the Commonwealth because of their conservation, recreational, ecological, and aesthetic values. These areas are worthy of special consideration in any planning or resources management process and include the following resources:
  - a) Wetlands
  - b) Aquatic Spawning, Nursery, and Feeding Grounds
  - c) Coastal Primary Sand Dunes
  - d) Barrier Islands
  - e) Significant Wildlife Habitat Areas
  - f) Public Recreation Areas
  - g) Sand and Gravel Resources
  - h) Underwater Historic Sites.
- ***Coastal Natural Hazard Areas.*** This policy covers areas vulnerable to continuing and severe erosion and areas susceptible to potential damage from wind, tidal, and storm-related events including flooding. New buildings and other structures should be designed and sited to minimize the potential for property damage due to storms or shoreline erosion. The areas of concern are as follows:
  - i) Highly Erodible Areas
  - ii) Coastal High Hazard Areas, including flood plains.
- ***Waterfront Development Areas.*** These areas are vital to the Commonwealth because of the limited number of areas suitable for waterfront activities. The areas of concern are as follows:
  - i) Commercial Ports
  - ii) Commercial Fishing Piers
  - iii) Community Waterfronts

Although the management of such areas is the responsibility of local government and some regional authorities, designation of these areas as Waterfront Development Areas of Particular Concern under the Virginia Coastal Resources Management Program is encouraged. Designation will allow the use of federal Coastal Zone Management Act funds to be used to assist in planning for such areas and in the implementation of such plans. The Virginia Coastal Resources Management Program recognizes two broad classes of priority uses for waterfront development Areas of Particular Concern:

- i) water access-dependent activities;
- ii) activities significantly enhanced by the waterfront location and complementary to other existing and/or planned activities in a given waterfront area.

### ***Advisory Policies for Shorefront Access Planning and Protection***

- *Virginia Public Beaches.* Approximately 25 miles of public beaches are located in the cities, counties, and towns of Virginia exclusive of public beaches on state and federal land. These public shoreline areas will be maintained to allow public access to recreational resources.
- *Virginia Outdoors Plan.* Planning for coastal access is provided by the Department of Conservation and Recreation in cooperation with other state and local government agencies. The Virginia Outdoors Plan, which is published by the Department, identifies recreational facilities in the Commonwealth that provide recreational access. The Virginia Outdoors Plan also serves to identify future needs of the Commonwealth in relation to the provision of recreational opportunities and shoreline access. Prior to initiating any project, consideration should be given to the proximity of the project site to recreational resources identified in the Virginia Outdoors Plan.
- *Parks, Natural Areas, and Wildlife Management Areas.* Parks, Wildlife Management Areas, and Natural Areas are provided for the recreational pleasure of the citizens of the Commonwealth and the nation by local, state, and federal agencies. The recreational values of these areas should be protected and maintained.
- *Waterfront Recreational Land Acquisition.* It is the policy of the Commonwealth to protect areas, properties, lands, or any estate or interest therein, of scenic beauty, recreational utility, historical interest, or unusual features which may be acquired, preserved, and maintained for the citizens of the Commonwealth.
- *Waterfront Recreational Facilities.* This policy applies to the provision of boat ramps, public landings, and bridges which provide water access to the citizens of the Commonwealth. These facilities shall be designed, constructed, and maintained to provide points of water access when and where practicable.
- *Waterfront Historic Properties.* The Commonwealth has a long history of settlement and development, and much of that history has involved both shorelines and near-shore areas. The protection and preservation of historic shorefront properties is primarily the responsibility of the Department of Historic Resources. Buildings, structures, and sites of historical, architectural, and/or archaeological interest are significant resources for the citizens of the Commonwealth. It is the policy of the Commonwealth and the Virginia Coastal

Resources Management Program to enhance the protection of buildings, structures, and sites of historical, architectural, and archaeological significance from damage or destruction when practicable.